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ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
BEFORE THE ILLINOIS COMMERCE COMMISSION

ORIGINAL

ILLINOIS
COMMERCE COMMISSION

2004 MAR 16 P 12:39

CHIEF CLERK'S OFFICE

Docket No. 04-0261

In re CHICAGO 10 MHz LLC

Applicant.

VERIFIED APPLICATION FOR CERTIFICATE OF SERVICE
AUTHORITY OF CHICAGO 10 MHz LLC

Chicago 10 MHz LLC, a Delaware limited liability corporation, applies for a certificate of service authority under section 13-401(a) of the Public Utilities Act (Act) (220 ILCS 5/13-401), and as such, seeks to be deemed a telecommunications carrier within the meaning of section 13-202 of the Act. In support of this application, Chicago 10 MHz LLC states:

1. It is a Delaware limited liability corporation authorized to do business in the State of Illinois and is currently in good standing. See Exhibit A attached.
2. Chicago 10 MHz is 100% owned by Cello Partnership d/b/a Verizon Wireless (Verizon Wireless), a Delaware general partnership. Cellco Partnership itself received a certification of service of authority from the Commission on May 9, 2001 in Docket No. 00-788, 2001 PUC LEXIS 607. Based on its affiliation with Verizon Wireless, Chicago 10 MHz LLC has the financial, technical and management resources to support its services within the State of Illinois.
3. The service provided by Chicago 10 MHz is a competitive service within the meaning of section 13/209 of the Act.

4. Chicago 10 MHz LLC holds a license as a wireless carrier with the Federal Communications Commission (FCC) to provide commercial mobile radio service in the Chicago MTA. A copy is attached as Exhibit B.

5. Section 401(a) of the Act expressly states that a wireless carrier such as Chicago 10 MHz LLC holding a license from the FCC shall receive a certificate of authority without a hearing:

Notwithstanding Sections 13-403, 13-404, and 13-405, the Commission shall approve a cellular radio application for a Certificate of Service Authority without a hearing upon a showing by the cellular applicant that the Federal Communications Commission has issued to it a construction permit or an operating license to construct or operate a cellular radio system in the area as defined by the Federal Communications Commission, or portion of the area, for which the carrier seeks a Certificate of Service Authority.

5. Under 47 U.S.C. § 332(c)(3)(A), state and local governments are preempted from regulating the entry of or the rate changes by any commercial mobile service operator.

6. Chicago 10 MHz LLC requests that the Commission waive or find inapplicable to Chicago 10 MHz LLC, the Commission's rules related to rates, service, reports and record keeping, and in particular, 83 Ill. Adm. Code 210, 220, 255, 285, 300, 305, 705, 710, 720, 725, 730, 735, 745 and 755.

7. Chicago 10 MHz LLC maintains its books and records at 180 Washington Valley Road Bedminster, NJ 07921. At its expense, it will make its books and records available to the Commission staff upon request. It also seeks authorization to maintain its books and records outside the State of Illinois under 83 Ill. Adm. Code 250.

CONCLUSION

Chicago 10 MHz LLC requests that the Commission issue a certificate of service authority without a hearing as provided under the Act.

Respectfully submitted,

CHICAGO 10 MHz LLC

By 
Its Attorney

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**AFFIDAVIT IN SUPPORT OF APPLICATION FOR CERTIFICATE
OF SERVICE AUTHORITY OF CHICAGO 10 MHz LLC**

I, Charon Phillips, after being duly sworn state under oath:

1. I am over 21 years old and competent to make this affidavit.
2. I am Regulatory Counsel for Celco Partnership d/b/a Verizon Wireless,
which is sole member in Chicago 10 MHz LLC.
3. I have reviewed the statements of fact in the attached Application for
Certificate of Service Authority of Chicago 10 MHz LLC, and they are true and correct to the
best of my information and belief.

Charon Phillips

SWORN TO AND SUBSCRIBED
before me this 23rd day of
February, 2004.

Harvandeane Boz
Notary Public

My commission expires 10/14, 2004

